

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 5/4/2025
---

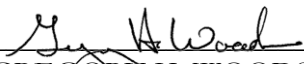
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
LUIS MERCEDES,	:	
	:	
Plaintiff,	:	1:25-cv-2729-GHW
	:	
-v-	:	<u>ORDER</u>
	:	
TOP ONE INTERNATIONAL CORP.,	:	
	:	
Defendant.	:	
	:	
-----	X	
GREGORY H. WOODS, United States District Judge:		

Plaintiff commenced this action on April 2, 2025, alleging violations of the Americans with Disabilities Act and the New York City Human Rights Law. Dkt. No. 1. By letter dated April 28, 2025, Defendant filed *pro se* a motion to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6). Dkt. No. 7. “A corporation may not appear in federal court *pro se*, and default may enter against a corporate defendant that fails to defend itself in the action by retaining counsel.” *Kaplan v. Bank Saderat PLC*, 77 F.4th 110, 116 n.8 (2d Cir. 2023). Defendant’s motion to dismiss is therefore denied without prejudice. Plaintiff is directed to serve a copy of this order on Defendant and to retain proof of service. The Clerk of Court is directed to terminate the motion pending at Dkt. No. 7.

SO ORDERED.

Dated: May 4, 2025  
New York, New York

  
 \_\_\_\_\_  
 GREGORY H. WOODS  
 United States District Judge